

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

AUGUST 1997 SESSION

<p>FILED</p> <p>September 18, 1997</p> <p>Cecil Crowson, Jr. Appellate Court Clerk</p>

<p>ANTHONY E. SANDERS, Appellant, V. STATE OF TENNESSEE, Appellee.</p>	<p>)) C.C.A. No. 03C01-9610-CR-00356)) Knox County)) Honorable Ray L. Jenkins, Judge)) (Post-Conviction)))</p>
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FOR THE APPELLANT:

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OPINION FILED: _____

AFFIRMED

PAUL G. SUMMERS,
Judge

OPINION

The appellant, Anthony E. Sanders, pled guilty to aggravated assault and felony escape in January 1992. In April 1996, he filed two post-conviction relief petitions. The trial court, after preliminary consideration, ruled that both petitions were time-barred. He appeals the trial court's dismissal of his petitions.¹ He alleges that this Court's holding in State v. Hill, No. 01C01-9508-CC-00267 (Tenn. Crim. App. at Nashville, June 20, 1996) renders the indictment brought against him for felony escape fatally defective.

The appellant's most recent conviction became final in 1992. At that time the law allowed three years to file a petition for post-conviction relief. Tenn. Code Ann. § 40-30-102 (1990). The appellant's time period for filing his petition expired in 1995. Therefore, both petitions are barred by the statute of limitations.

We find appellant's pro se brief artfully drafted, and we understand his allegations. We, however, find no error of law mandating reversal of the trial court's determinations. Pursuant to Tenn. R. Ct. Crim. App., Rule 20, we AFFIRM.

¹The appellant relies on an opinion of this Court, Carter v. State, No. 03C01-9509-CC-00270 (Tenn. Crim. App., at Knoxville, July 11, 1996), to support his assertion that his petitions are not time-barred. We note that the Tennessee Supreme Court granted permission to appeal in Carter because of the disagreement over its holding among different panels of this Court and has since reversed that ruling, ordering that the 1995 amendment to the Post-Conviction Procedure Act did not revive any claims that had previously been time-barred. Carter v. State, No. 03-S-01-9612-CR-00117 (Tenn., Sept. 8, 1997).

PAUL G. SUMMERS, Judge

CONCUR:

GARY R. WADE, Judge

WILLIAM M. BARKER, Judge